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9 **BEFORE THE**  
10 **DIRECTOR OF THE OFFICE OF REAL ESTATE APPRAISERS**  
11 **STATE OF CALIFORNIA**

12 **In the Matter of the Accusation Against:**

**Case No. C 100806-09**

13 **JEREMIE R. HENKE**  
14 **36061 Arras Drive**  
15 **Winchester, CA 92596**

**A C C U S A T I O N**

16 **Residential Appraiser License No.**  
17 **AL035974**

18 **Respondent.**

19 **Complainant alleges:**

20 **PARTIES**

21 1. Elizabeth Seaters, acting on behalf of the Office of Real Estate Appraisers  
22 (Complainant) brings this Accusation solely in her official capacity as Chief of Enforcement for  
23 Complainant.

24 2. On or about August 3, 2005 the Director of the Office of Real Estate Appraisers  
25 ("Director") issued Residential Appraiser license Number AL035974 to Jeremie R. Henke  
26 ("Respondent"). Respondent's real estate appraiser license was in full force and effect at all  
27 times relevant to the charges brought herein. Respondent's real estate appraiser license expired  
28 on December 22, 2010.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Director of the Office of Real Estate  
3 Appraisers ("OREA") under the authority of the following laws. All section references are to the  
4 Business and Professions Code unless otherwise indicated.

5 4. Code section 11313 requires OREA to adopt and enforce rules and regulations as are  
6 determined reasonably necessary to carry out the purposes of the Real Estate Appraisers'  
7 Licensing and Certification law.

8 5. Code section 11314 states, in pertinent part:  
9 The office is required to include in its regulations requirements for licensure and  
10 discipline of real estate appraisers that ensure protection of the public interest.

11 **FINES**

12 6. Code section 11316, subdivision (a) states:  
13 The director may assess a fine against a licensee, applicant for licensure, person who  
14 acts in a capacity that requires a license under this part, course provider, applicant for course  
15 provider accreditation, or a person who, or entity that, acts in a capacity that requires course  
16 provider accreditation for violation of this part or any regulations adopted to carry out its  
17 purposes.

18 **MINIMUM STANDARDS FOR CONDUCT AND PERFORMANCE**

19 7. Code section 11319 states:  
20 Notwithstanding any other provision of this code, the Uniform Standards of  
21 Professional Appraisal Practice constitute the minimum standard of conduct and performance for  
22 a licensee in any work or service performed that is addressed by those standards. If a licensee  
23 also is certified by the Board of Equalization, he or she shall follow the standards established by  
24 the Board of Equalization when fulfilling his or her responsibilities for assessment purposes.

25 8. Code section 11328 states:  
26 To substantiate documentation of appraisal experience, or to facilitate the investigation of  
27 illegal or unethical activities by a licensee, applicant, or other person acting in the capacity that  
28 requires a license, that licensee, applicant or person shall, upon the request of the director, submit

1 copies of appraisals, or any work product which is addressed by the Uniform Standards of  
2 Professional Appraisal Practice, and all supporting documentation and data to the office. This  
3 material shall be confidential in accordance with the confidentiality provisions of the Uniform  
4 Standards of Professional Appraisal Practice.

#### 5 **COST RECOVERY**

6 9. Code section 11409, subdivision (a) states:

7 Except as otherwise provided by law, any order issued in resolution of a disciplinary  
8 proceeding may direct a licensee, applicant for licensure, person who acts in a capacity that  
9 requires a license under this part, course provider, applicant for course provider accreditation, or a  
10 person who, or entity that, acts in a capacity that requires course provider accreditation found to  
11 have committed a violation or violations of statutes or regulations relating to real estate appraiser  
12 practice to pay a sum not to exceed the reasonable costs of investigation, enforcement, and  
13 prosecution of the case.

#### 14 **REGULATORY PROVISIONS**

15 10. The OREA regulations appear in Title 10, Chapter 6.5, section 3500 et seq., as  
16 amended from time to time, of the California Code of Regulations (Regulation.)

17 11. Regulation section 3527, subdivision (a) states, in pertinent part:

18 (a) All applicants for and holders of a license...shall submit written notice to OREA  
19 of any change to the following within 10 days on the Change Notification and Miscellaneous  
20 Requests Form REA 3011 (Rev. 5/8/00), which is herein incorporated by reference:

- 21 (1) Name;
- 22 (2) Residence telephone number
- 23 (3) Business telephone number
- 24 (4) Residence Address
- 25 (5) Business name or address; or
- 26 (6) Mailing address.

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1           12. Regulation section 3701 states:

2           Every holder of a license under this part shall conform to and observe the Uniform  
3 Standards of Professional Appraisal Practice (USPAP) and any subsequent amendments thereto  
4 as promulgated by the Appraisal Standards Board of The Appraisal Foundation which standards  
5 are herein incorporated into these regulations by reference as if fully set forth herein.

6           13. Regulation section 3702 (a) states, in pertinent part:

7           (a) The Director finds and declares as follows:

8           (1) That the profession of real estate appraisal is vested with a fiduciary  
9 relationship of trust and confidence as to clients, lending institutions, and both public  
10 and private guarantors or insurers of funds in federally-related real estate transactions  
11 and that the qualifications of honesty, candor, integrity and trustworthiness are  
12 directly and substantially related to and indispensable to the practice of the appraisal  
13 profession ...

14           (3) Every holder of a license to practice real estate appraisal ...shall be  
15 required to demonstrate by his or her conduct that he or she possesses the  
16 qualifications of honesty, candor, integrity and trustworthiness.

17           14. Regulation section 3705 (a) states:

18           Every appraisal report subject to the Uniform Standards of Professional Appraisal  
19 Practice upon final completion shall bear the signature and license number of the appraiser and  
20 of the supervising appraiser, if appropriate. The affixing of such signature and number  
21 constitute the acceptance by the appraiser and supervising appraiser of full and personal  
22 responsibility for the accuracy, content, and integrity of the appraisal under Standards Rules 1  
23 and 2 of USPAP.

24           15. Regulation 3721 states, in pertinent part:

25           (a) The Director may issue a citation, order of abatement, assess a fine or private or  
26 public reproof, suspend or revoke any license or Certificate of Registration, and/or may deny the  
27 issuance or renewal of a license or Certificate of Registration of any person or entity acting in a  
28 capacity requiring a license or Certificate of Registration who has:

1 (6) Violated any provision of USPAP

2 (7) Violated any provision of the Real Estate Appraisers' Licensing and  
3 Certification Law, Part 3 (commencing with Section 11300) of Division 4 of the  
4 Business and Professions Code, or regulations promulgated pursuant thereto; or any  
5 provision of the Business and Professions Code applicable to applicants for or  
6 holders of licenses authorizing appraisals.

7 **UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE (USPAP)**  
8 **(EFFECTIVE JANUARY 1, 2008)<sup>1</sup>**

9 16. USPAP Standard 1 states:

10 In developing a real property appraisal, an appraiser must identify the problem to be  
11 solved, determine the scope of work necessary to solve the problem, and correctly complete  
12 research and analyses necessary to produce a credible appraisal.

13 17. USPAP Standard 2 states:

14 In reporting the results of a real property appraisal, an appraiser must communicate  
15 each analysis, opinion, and conclusion in a manner that is not misleading.

16 18. The Ethics Rule of USPAP states, in pertinent part:

17 To promote and preserve the public trust inherent in professional appraisal practice,  
18 an appraiser must observe the highest standards of professional ethics. ...

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20 **PROPERTY APPRAISED**

21 19. On August 5, 2008, Respondent completed a real estate appraisal report for property  
22 located at 1924 Island Avenue, San Diego, California, with a concluded opinion of value at  
23 \$405,000.00. The property consisted of an approximately 920 square foot, 5 room, 2 bedroom, 1  
24 bathroom, 1-story, home built in 1914.

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27 <sup>1</sup> USPAP is periodically revised: appraisers are responsible for adherence to the edition of USPAP in effect as of the date of report  
28 for an appraisal. The 2008-2009 edition of USPAP (effective January 1, 2008, through December 31, 2009), was applicable to the appraisal in this  
case, which had a report date of August 5, 2009.

1           20. On August 2, 2010, Complainant received a request to initiate a disciplinary action  
2 against Respondent regarding Respondent's appraisal of the property described in paragraph 19,  
3 above.

4                                   **BASIS FOR DISCIPLINE**

5                                   **FIRST CAUSE FOR DISCIPLINE**

6                                   **(Failure to Notify of Change of Personal or Contact Information**  
7                                   **pursuant to Regulation 3527)**

8           21. Respondent is subject to disciplinary action under Regulation section 3721,  
9 subdivisions (a) (6) and (a) (7), by and through his violation of Regulation sections 3701, 3702  
10 subdivisions (a) (1) and (a) (3), for failure to notify within ten days as required under Regulation  
11 3527(a) of a change in: **residence telephone number (951) 926-8863; business telephone**  
12 **number (951) 536-2064; business name and mailing address 36061 Arras Drive, Winchester,**  
13 **CA 92596.**

14                                   **SECOND CAUSE FOR DISCIPLINE**

15                                   **(Failure to Respond or Cooperate in an Investigation of Alleged**  
16 **USPAP Violations – 1924 Island Avenue, San Diego, CA 92102)**

17           22. Respondent is subject to disciplinary action under Regulation section 3721,  
18 subdivisions (a) (6) and (a) (7), by and through his violation of Regulation sections 3701, 3702  
19 subdivisions (a) (1) and (a) (3), and the following USPAP violations:

20           23. Respondent is subject to disciplinary action under Business and Professions Code  
21 section 11328 for failing to cooperate with the investigation and provide a copy of the appraisal  
22 report and associated workfile for the property located at 1924 Island Avenue, San Diego  
23 California when requested to do so, as follows:

24           24. On October 18, 2010, Complainant sent a letter pursuant Code section 11328  
25 requesting a copy of the appraisal and the appraisal work file, to be received by Complaint within  
26 30 days of the date of the letter. Complainant did not receive the requested documents within the  
27 specified period.

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25. On December 14, 2010, Complainant attempted to contact Respondent at Respondents' business telephone number of record but was unable to make direct contact with Respondent. Respondent failed to contact Complainant in response to Complainant's message left on voicemail at this number. Complainant also attempted to contact Respondent at Respondent's residence telephone number of record but the line was disconnected.

26. On December 27, 2010, Complainant sent a second copy of the October 18, 2010 request, as an attachment to a letter indicating that failure to respond to this second request for documentation would be considered a continued violation of Code section 11328. In addition, this letter indicated that Respondent's appraisal license with OREA would be subject to disciplinary action, up to and including revocation, if Respondent failed to provide the information requested within 10 calendar days. This letter was sent via certified mail, return receipt requested, to Respondent's business address of record as provided to OREA by Respondent, which is also the same as the mailing address.

27. On January 21, 2011, Complainant received the return receipt from the December 27, 2011, letter, but no information was submitted by Respondent within the specified period.

28. On March 1, 2011, Complainant sent a second copy of the October 18, 2010 request, as an attachment to a second and final letter indicating that failure to respond to this second request for documentation would be considered a continued violation of Code section 11328. In addition, this letter indicated that Respondent's appraisal license with OREA would be subject to disciplinary action, up to and including revocation, if Respondent failed to provide the information requested within 10 calendar days. This letter was sent via certified mail, return receipt requested, to Respondent's business address, which is also the same as the mailing address of record as provided to OREA by Respondent.

## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of the Office of Real Estate Appraisers issue a decision

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1           1.    Revoking or suspending Residential Appraiser License Number AL035974, issued to  
2   Jeremie R. Henke.

3           2.    Ordering Jeremie R. Henke to pay the Director of the Office of Real Estate  
4   Appraisers a fine pursuant to section 11316(a); and

5           3.    Taking such other and further action as deemed necessary and proper.

6  
7   DATED: 5/13/12

***Original Signed***

\_\_\_\_\_  
Elizabeth Seaters  
Chief of Enforcement  
Office of Real Estate Appraisers  
State of California  
*Complainant*